



THE BALDY CENTER  
for LAW & SOCIAL POLICY



# 2011 - 2012 Annual Report

The Baldy Center for Law & Social Policy  
SUNY Buffalo Law School

511 O'Brian Hall

Buffalo, NY 14260

Tel: 716-645-2102

Fax: 716-645-2900

E-mail: [baldyctr@buffalo.edu](mailto:baldyctr@buffalo.edu)

# 2011-2012 Annual Report

---

## Baldy Center for Law & Social Policy

### Contents

#### **I. Center Overview**

History

Organization and Center Staff

#### **II. Research Support and Fellowships**

Faculty Research Grants

    Annual Research Grants

    Small Research Grants

Baldy Center Fellowship Program

Graduate Student Fellowships

#### **III. Speakers and Visitors**

Distinguished Speaker Series

Co-Sponsored Events

#### **IV. Conferences and Workshops**

Research Development Workshop

Book Manuscript Workshops

Conferences and Workshops

#### **V. Publications**

SSRN Buffalo Legal Studies Research Paper Series

## **I. Center Overview**

### **History**

Created 35 years ago under a bequest from Buffalo attorney Christopher Baldy, the Baldy Center for Law & Social Policy supports interdisciplinary research on law, legal institutions and social policy throughout the University at Buffalo. The Center not only engages faculty and students campus-wide, it also has national and international impact through the scholarly publications, conferences, workshops, and other activities described in this report. The center is housed at the University at Buffalo Law School.

### **Organization and Center Staff**

#### **Baldy Advisory Council for 2011 - 2012**

Sharmistha Bagchi-Sen, Geography  
Guyora Binder, Law  
Robert Granfield, Sociology  
Stephanie Phillips, Law  
Kenneth Shockley, Philosophy  
Mateo Taussing-Rubbo, Law  
James Wooten, Law

#### **Baldy Center Staff**

Errol Meidinger, Director  
Laura Wirth, Assistant Director  
Anita Mazurek, Administrative Assistant (Fall, 2011)  
Ashley White, Events Assistant (Spring, 2012)  
Rebecca Ott, Research Assistant (Spring, 2012)

#### **Student Assistants**

Anikroma Bekoe (Biomedical Sciences)

#### **Baldy Center Technical Team**

Michael Masset, Web/Design Team  
Caryn Sobieski-Vandelinder  
Jeffrey Till

## II. Research Support and Fellowships

### Faculty Research Grants

#### Annual Research Grants

- Christina Boyd** (Political Science) *Analyzing Litigation in the Federal District Courts*
- Irus Braverman** (Law) *Noah's Ark: Ideologies of Nature in Israel/Palestine Zoos*
- Catherine Cornbleth** (Learning & Instruction) *How State Agencies, National Accreditation Organizations, and Advocacy Corporations Shape the Education of Professionals: The Case of Teacher Education*
- Sarah Elder** (Media Studies) *Surviving Arctic Climate Change: A Documentary Film*
- Charles Lamb** (Political Science) *Fair Housing in the Twentieth Century*
- Lynn Mather** (Law School) *Lawyers in Practice: Ethical Decision Making in Context*
- Jessica Owley** (Law) *Enforceability of Exacted Conversation Easements*
- Yoshiko Nozaki** (Educational Leadership & Policy) *Comfort Women, Historical and Legal Issues, and Education: Views from Japanese College Students*
- Stephen Paskey** (Law) *Telling Refugee Stories: Truth, Narrative, and the Asylum Adjudication Process*
- Mateo Taussig-Rubbo** (Law) *Pirate Trials in Mombasa, Kenya*

#### Small Research Grants

- Sharmistha Bagchi-Sen** (Geography) *The Role of Policy in the Creation of the US Renewable Energy*
- Samantha Barbas** (Law) *The Privacy Paradox: Law, Media, and Intimate Life in Modern America*
- Ellen Berrey** (Sociology) *Bottom-Line Diversity: Race and Productive Pluralism in the Post-Civil Rights Period*
- Diane Christian** (English) *Death Row on DVD*
- Dinissa Duvanova** (Political Science) *Regulatory Policy and Bureaucratic Discretion: Business Environment in Post-Communist Eastern Europe and Eurasia*
- Michael Halberstam** (Law) *NYS Clearinghouse for Local Government Representation*
- Trina Hamilton** (Geography) *Constructing Ethical Spaces for the Global Diamond Trade*
- David Herzberg** (History) *Prescription for Trouble: Pharmaceuticals and Drug Abuse in the 20<sup>th</sup> Century*
- Eiichiro Kazumori** (Economics) *Design of Spectrum Allocation Mechanism for the US Telecommunication Policy*
- Patrica Logan-Greene** (Social Work) *Risk and Protective Factors Among Youth in the Juvenile Justice System: Fitting the Needs of High Risk Youth with Services to Improve Outcomes*
- Robert Silverman** (Urban & Regional Planning) *Evaluation of the Implementation of the Plan to Remove Impediments to Fair Housing in the City of Buffalo*
- Deborah Waldrop** (Social Work) *Call 911: How Public Health Policy Influences Emergency Decision-Making at Life's End*
- Claude Welch** (Political Science) *Human Rights NGOs and India's Dalits*
- Marion Werner** (Geography) *Value Chains and Neoliberal Regulation: Focus on the Americas*

### Baldy Fellowships in Interdisciplinary Legal Studies

**The Baldy Center** instituted a new Fellowship program for scholars pursuing important topics in law, legal institutions, and social policy. More than fifty applications were received from junior and senior scholars from law, the humanities, and the social sciences. Four fellowships were awarded for the 2012-2013 academic year.

Fellows are expected to participate regularly in Baldy Center events, but otherwise have no obligations beyond vigorously pursuing their research. Fellows receive standard university research privileges (library, Internet, office space, computer, phone) and are encouraged to develop collaborative research projects with SUNY Buffalo faculty members where appropriate. Those who wish to teach a course to aid their research or gain teaching experience are accommodated on a case-by-case basis.

## Graduate Student Fellowships

### *Gilbert D. Moore Fellowships*

The Baldy Center administered three continuing Gilbert D. Moore Fellowships in 2011-2012.

**Anthony Giannetti** (JD & PhD, Philosophy)

**Scott Ptak** (JD & PhD, Geography)

**Robert Vanwey** (JD & PhD, History)

## III. Speakers and Visitors

### Distinguished Speaker Series

“The Future of Interdisciplinary Legal Scholarship: Predictions and Prescriptions”

September 9, 2011

*Future Directions in Law and Social Sciences*

**Scott Barclay**, Drexel University

September 23, 2011

*Race and Representation: Researching Employment Civil Rights Litigation in the Post Civil Rights United States*

**Robert Nelson**, Northwestern University, American Bar Foundation

October 6, 2011

*The Confused Place of Mercy in Legal Discourse*

**Robert Ferguson**, Columbia University

### Cosponsored Events

September 7, 2011

*A Tale of Two Countries and the Ways They Treat Their Cities: A Bi-National Conversation on French and American Urban Policy*

Organized by:

**Carl Nightingale**, University at Buffalo, Department of Transnational Studies

**Deborah Reed-Danahay**, University at Buffalo, Center for European Studies

October 7, 2011

*Finding a New Foundation for Justice in China*

**Flora Sapio**, Visiting Scholar, New York University School of Law, Centre for Advanced Studies on Contemporary China, Turin, Italy

Cosponsored with UB Asian Studies Program

October 14, 2011

*Maritime History*

**Michael Pearson**, University of New South Wales

Cosponsored with UB Department of History

March 10-11, 2012

*Buffalo Workshop on Ethics and Adaptation*

**Kenneth Shockley**, University at Buffalo, Philosophy Department

Cosponsored with the UB Department of Philosophy

October 21, 2011

*Beyond Legal Mobilization: Rethinking How Law Matters in the Transpacific Struggles of Filipino Cannery Workers*

**Michael McCann**, University of Washington. President, Law and Society Association

December 2, 2011

*Asia's Rise, Asian Legal Studies, and the Future of Legal Interdisciplinary*

**Andrew Harding**, University of Victoria

March 2, 2012

How the Earth Became a Collection of Land Uses -- or Did It? Reflections on Doing Sociolegal Research in a Post-Theoretical Age

**Mariana Valverde**, University of Toronto

April 18, 2012

*Interdisciplinary Legal Scholarship: Experiences, Probabilities and Suggestions*

**Franz von Benda-Beckmann**, Max Planck Institute for Social Anthropology

## **IV. Workshops and Conferences**

### **Research Development Workshops**

December 9, 2011

*Legal Forms of Religious Life*

**Helge Arsheim**, University of Oslo

March 9, 2012

*Istwa: History, Memory and Cultural Production in Haiti.*

**Toni Pressley-Sanon**, UB Transnational Studies

### **Book Manuscript Workshops**

May 23, 2012

*Within the Double Bind: Black Girlhood and Subjectivity in Jim Crow New Orleans*

**LaKisha Michelle Simmons**, UB, Global Gender Studies

Commentators: **Rhonda Williams**, Associate Professor of History and Director, Social Justice Institute, Case Western Reserve University and **Thadious Davis**, Professor of English, University of Pennsylvania

### **Conferences and Workshops**

September 11-13, 2011

*40 Years After the Attica Uprising: Looking Back, Moving Forward*

Organized by:

**Teresa Miller**, Law School

October 14-15, 2011

*Major Developments in Redistricting*

Organized by: **Michael Halberstam**, Law School, **James A. Gardner**, Law School, **Rick Su**, Law School

October 24, 2011

*Implementing Truth and Reconciliation: Comparative Lessons for Korea*

Sponsored by the Baldy Center for Law & Social Policy, the Asian Studies Program, and the Buffalo Human Rights Center

Organized by: **Tara Melish**, Law School, **Errol Meidinger**, Law School, **Mark Nathan**, History

April 6, 2012

*Judging Children as Children, A Juvenile Justice Workshop*

Organized by: **Hon. Micheal A. Corriero**, New York Center for Juvenile Justice, **Suzanne E. Tomkins**, Law School, **Susan V. Mangold**, Law School

April 19-20, 2012

*Where Now? Moving Beyond Traditional Legal Geographies*

Organized by: **Irus Braverman**, Law School

April 26-27, 2012

*Beyond Jurisdiction: Wetlands Policy for the Next Generation*

Organized by: **Kim Diana Connolly**, Law School

May 18-19, 2012

*The Future of Heritage: Law, Ethics and Sustainability*

Organized by: **Peter Biehl**, Anthropology

## V. Publications

### SSRN Buffalo Legal Studies Research Paper Series

The Baldy Center and the UB Law School sponsor an on-line series of working papers, called the Buffalo Legal Studies Research Paper Series. It is hosted and distributed by SSRN (Social Science Research Network) and provides an international, interdisciplinary audience for the law-related work of UB faculty and visiting scholars.

UB editor of the Buffalo series: **Errol Meidinger**, Law School

"How the Movies Became Speech"

*Rutgers Law Review*, Vol. 64 (Spring 2012), *SUNY Buffalo Legal Studies Research Paper No. 2012-048*

**Samantha Barbas**

"Justice Jackson's 1946 Nuremberg Reflections at Buffalo: An Introduction"

*Buffalo Law Review*, Vol. 60, p.255, April 2012

*Buffalo Legal Studies Research Paper 2012-047*

**Tara J. Melish** and **Alfred S. Konefsky**

"A Tale of Two Zoos"

*Environment and Planning A*, 2012, Forthcoming

*Buffalo Legal Studies Research Paper No. 2012-046*

**Irus Braverman**

"Why Context Matters"

Pages 1-24 in *"Lawyers in Practice: Ethical Decision Making in Context"* Ed. by Leslie C. Levin and Lynn Mather (University of Chicago Press 2012) ISBN 978-0-226-47516-5

*Buffalo Legal Studies Research Paper No. 2012-045*

**Lynn Mather** and **Leslie C. Levin** (University of Connecticut School of Law)

"Lawyerly Fidelity: An Ethical and Empirical Critique"  
*NOMOS-American Society for Political and Legal Philosophy, Forthcoming*  
*Buffalo Legal Studies Research Paper No. 2012-044*  
**Lynn Mather**

"Smithers, What's the Name of this Gastropod? King-Size Homer and the Social Security Administration's Subjective Evaluation of Fatness"  
*Georgia State University Law Review, Forthcoming*  
*Buffalo Legal Studies Research Paper No. 2012-043*  
**Chris Pashler**

"Checkpoint Watch: Reflections on Israel's Border Administration in the West Bank"  
*Journal of Social and Legal Studies, Forthcoming*  
*Buffalo Legal Studies Research Paper No. 2012-042*  
**Irus Braverman**

"Value of Valor: Money, Medals, and Military Labor"  
*Buffalo Legal Studies Research Paper No. 2012-41*  
**Mateo Taussing-Rubbo**  
"Exacted Conservation Easements: Emerging Concerns with Enforcement"  
*Probate & Property, Vol. 26, No. 1, p. 51, 2012*  
*Buffalo Legal Studies Research Paper No. 2012-040*  
**Jessica Owley**

"How to Do Things with Boundaries: Redistricting and the Construction of Politics"  
*Buffalo Legal Studies Research Paper No. 2012-039*  
**James A. Gardner**  
"Zootopia: Utopia and Dystopia in the Zoological Garden"  
*EARTH PERFECT? NATURE, UTOPIA, AND THE GARDEN, Annette Giesecke and Naomi Jacobs, eds., May 2012*  
*Buffalo Legal Studies Research Paper No. 2012-038*  
**Irus Braverman**

"Hidden in Plain View: Legal Geography from a Visual Perspective"  
*Journal of Law, Culture, and the Humanities, Vol. 7, No. 2, pp. 173-186, 2011*  
*Buffalo Legal Studies Research Paper No. 2012-037*  
**Irus Braverman**

"Looking at Zoos"  
*Cultural Studies, Forthcoming*  
*Buffalo Legal Studies Research Paper No. 2012-036*  
**Irus Braverman**

"Zoo Registrars: A Bewildering Bureaucracy"  
*DUKE ENVIRONMENTAL LAW & POLICY FORUM, Vol. 21, No. 165, 2010*  
*Buffalo Legal Studies Research Paper No. 2012-035*  
**Irus Braverman**

"The Enforceability of Exacted Conservation Easements"  
*Vermont Law Review, Vol. 36, 2011,*  
*Buffalo Legal Studies Research Paper No. 2012-034*  
**Jessica Owley**

"The Unsacrificeable Subject?"  
*WHO DESERVES TO DIE?, p. 131, Austin Sarat & Karl Shoemaker, eds., University of Massachusetts Press, 2011*  
*Buffalo Legal Studies Research Paper No. 2012-033*  
**Mateo Taussing-Rubbo**

"A Critique of Rights in Transitional Justice: The African Experience"  
*RETHINKING TRANSITIONS: EQUALITY AND SOCIAL JUSTICE IN SOCIETIES EMERGING FROM CONFLICT, pp. 31-45, Gaby Ore Aguilar & Felipe Gomez Isa, eds., 2011*  
*Buffalo Legal Studies Research Paper No. 2012-032*  
**Makau W. Mutua**



“Election Law as Applied Democratic Theory”  
*St. Louis University Law Journal, Forthcoming*  
*Buffalo Legal Studies Research Paper No. 2012-031*  
**James A. Gardner**

“If Not a Commercial Republic? Political Economy in the United States after Citizens United”  
*University of Louisville Law Review, Vol. 50, p. 35, 2012*  
*Buffalo Legal Studies Research Paper No. 2012-030*  
**David A. Westbrook**

“The Myth of ‘Conquered Provinces’: Probing the Extent of the Voting Rights Act’s Intrusion on State and Local Autonomy”  
*Hastings Law Journal, Vol. 62, 2011, Buffalo Legal Studies Research Paper No. 2012-025*  
**Michael Halberstam**

“States of War: Defensive Force Among Nations”  
*Ohio State Journal of Criminal Law, Vol. 7, pp. 439-461, 2009,*  
*Buffalo Legal Studies Research Paper No. 2012-024*  
**Guyora Binder**

“Critical Legal Studies”  
*A COMPANION TO PHILOSOPHY OF LAW AND LEGAL THEORY, pp. 267-278, D. Patterson, ed., 2010, Buffalo Legal Studies Research Paper No. 2012-023*  
**Guyora Binder**

“Law and Literature”  
*JOHNS HOPKINS GUIDE TO LITERARY THEORY AND CRITICISM, Michael Groden, Martin Kreiswirth, Imre Szeman eds., 2006, Buffalo Legal Studies Research Paper No. 2012-022*  
**Guyora Binder**

“Pirate Trials, the International Criminal Court, and Mob Justice: Reflections on Postcolonial Sovereignty in Kenya”  
*Humanity: An International Journal of Human Rights, Humanitarianism and Development, Vol. 1, pp. 51-74, University of Pennsylvania Press*  
*Buffalo Legal Studies Research Paper No. 2012-021*  
**Mateo Taussig-Rubbo**

“Constitutional Gaps in Bankruptcy Adjudication”  
*American Bankruptcy Institute Law Review, 2012*  
*Buffalo Legal Studies Research Paper No. 2012-020*  
**S. Todd Brown**

“Protect, Respect, Remedy and Participate: ‘New Governance’ Lessons for the Ruggie Framework”  
*Business and Human Rights at a Crossroads: The Legacy of John Ruggie, Radu Mares, ed., Martinus Nijhoff Publishers, 2011*  
*Buffalo Legal Studies Research Paper No. 2012-019*  
**Errol Meidinger and Tara J. Melish**

“Point & Counterpoint: Should the Home Mortgage Interest Tax Benefit Be Reduced?”  
*American Bar Association – Section of Taxation News Quarterly, Vol. 25, No. 2, Winter 2006,*  
*Buffalo Legal Studies Research Paper No. 2012-018*  
**Stuart Lazar and Deborah A. Geier**

“The Rhetoric of Motive and Intent”  
*Buffalo Criminal Law Review, Vol. 6, pp. 1-96, 2002,*  
*Buffalo Legal Studies Research Paper No. 2012-017*  
**Guyora Binder**

“The Origins of American Felony Murder Rules”  
*Stanford Law Review, Vol. 57, pp. 59-208, 2004-2005,*  
*Buffalo Legal Studies Research Paper No. 2012-016*  
**Guyora Binder**

"The Definition of Voting Stock and the Computation of Voting Power Under Sections 368(c) and 1504(a): Recent Developments and Tax Lore"

*Virginia Tax Review*, Vol. 17, p. 103, 1998,  
*Buffalo Legal Studies Research Paper No. 2012-014*

**Stuart Lazar**

"Aesthetic Judgment and Legal Justification"

*Studies in Law, Politics, and Society*, Vol. 43, pp. 79-112, 2008,  
*Buffalo Legal Studies Research Paper No. 2012-015*

**Guyora Binder**

"Lessinger, Peracchi, and the Emperor's New Clothes: Covering a Section 357(c) Deficit with Invisible (or Nonexistent) Property"

*The Tax Lawyer*, Vol. 58, p. 41, 2004,  
*Buffalo Legal Studies Research Paper No. 2012-013*

**Stuart Lazar**

"Schooling Congress: The Current Landscape of the Tax Treatment of Higher Education Expenses and a Framework for Reform"

*Michigan State Law Review*, Vol. 2010, p. 1049, 2010,  
*Buffalo Legal Studies Research Paper No. 2012-012*

**Stuart Lazar**

"The Unreasonable Case for a Reasonable Compensation Standard in the Public Company Context: Why it is Unreasonable to Insist on Reasonableness"

*Buffalo Law Review*, Vol. 57, p. 937, 2011,  
*Buffalo Legal Studies Research Paper No. 2012-011*

**Stuart Lazar**

"The Meaning of Killing"

*MODERN HISTORIES OF CRIME AND PUNISHMENT*, pp. 88-114, Markus D. Dubber, Lindsay Farmer, eds., 2007, *Buffalo Legal Studies Research Paper No. 2012-010*

**Guyora Binder**

"The Culpability of Felony Murder"

*Notre Dame Law Review*, Vol. 83, p. 965, 2007-2008, *Buffalo Legal Studies Research Paper No. 2012-009*

**Guyora Binder**

"Victims and Significance of Causing Harm"

*Pace Law Review*, Vol. 28, p. 713, Summer 2008, *Buffalo Legal Studies Research Paper No. 2012 - 008*

**Guyora Binder**

"Making the Best of Felony Murder"

*Boston University Law Review*, Vol. 91, p. 403, 2011,  
*Buffalo Legal Studies Research Paper No. 2012 - 007*

**Guyora Binder**

"Sexual Orientation and Human Rights: Putting Homophobia on Trial"

*AFRICAN SEXUALITIES: A READER*, Sylvia Tamale, ed., Pambazuka Press, 2011, *Buffalo Legal Studies Research Paper No. 2012-006*

**Makau W. Mutua**

"How Much Power Does a Labor Arbitrator Have? What the Latest Court Decisions Mean for Arbitrators, Employers, Unions and National Labor Policy?"

*Arbitration 2011: Varieties of the Arbitration Experience, Proceedings of the 64th Annual Meeting of the National Academy of Arbitrators*,  
*Buffalo Legal Studies Research Paper No. 2012 - 005*

**Lise Gelernter**

"Tribes as Conservation Easement Holders: Is a Partial Property Interest Better than None?"

*TRIBES, LAND, AND THE ENVIRONMENT*, Ezra Rosser and Sarah Krakoff, eds., Ashgate Press, 2011, *Buffalo Legal Studies Research Paper No. 2012-004*

**Jessica Owley**

"Distributed Graduate Seminars: An Interdisciplinary Approach to Studying Land Conservation"

*Pace Environmental Law Review Online Companion*, Vol. 2, p. 88, 2011, *Buffalo Legal Studies Research Paper No. 2012-003*

**Jessica Owley** and **Adena Rissman**

"Progress, Innovation and Technology: A Delicate 'Google' Balance"

*Buffalo Intellectual Property Law Journal*, Forthcoming, *Buffalo Legal Studies Research Paper No. 2012-02*

**Robert I. Reis**

"'The Spirits Were Always Watching': Buddhism, Secular Law, and Social Change in Thailand"

*AFTER SECULAR LAW*, pp. 242-260, Winnifred Fallers Sullivan, Robert A. Yelle, & Mateo Taussig-Rubbo, eds., Stanford University Press, 2011, *Buffalo Legal Studies Research Paper No. 2012-01*

**David M. Engel**

"States of Exemption: The Legal and Animal Geographies of American Zoos"

*Environment and Planning A*, Volume 43, pages 1693-1706, 2011, *SUNY Buffalo Legal Studies Research Paper No. 2011-023*

**Irus Braverman**

"Creating the Public Forum"

*Akron Law Review*, Vol. 44, No. 3, 2011, *SUNY Buffalo Legal Studies Research Paper No 2011-022*

**Samantha Barbas**